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| APPLICATION NO.  | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO.    | CONFIRMATION NO. |
|--|-------------|----------------------|------------------------|------------------|
| 10/659,404   | 09/10/2003  | John Colagross       | N9333-ICW              | 4633             |
| 23456  | 7590        | 03/30/2006           | EXAMINER               |                  |
| WADDEY & PATTERSON<br>1600 DIVISION STREET, SUITE 500<br>NASHVILLE, TN 37203 |             |                      | OPARE ABETIA, JOSEPH C |                  |
|  |             |                      | ART UNIT               | PAPER NUMBER     |
|  |             |                      | 2165                   |                  |

DATE MAILED: 03/30/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                        |  |                     |  |
|------------------------------|------------------------|--|---------------------|--|
| <b>Office Action Summary</b> | <b>Application No.</b> |  | <b>Applicant(s)</b> |  |
|                              | 10/659,404             |  | COLAGROSS ET AL.    |  |
|                              | <b>Examiner</b>        |  | <b>Art Unit</b>     |  |
|                              | Joseph C. Opare-Abetia |  | 2165                |  |

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 10 September 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-34 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) 1-34 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>09/10/2003</u> . | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Norman P. Katz et al. (U.S. Patent No. 6356971 and hereinafter referred to as Katz) in view of Draft Proposal (An industry standard Data format for the export and import of automotive customer leads, version 0.2, pages 1-12, January 26, 1999 and hereinafter referred to as draft).

With respect to claims 1 and 15, Katz discloses a method for managing vehicle information pertaining to the function and operation of features of selected vehicles so as to provide information pertaining to the function and operation of selected vehicle features of a vehicle to a user, said method comprising the steps of: (a) providing a computer having an information database for storing vehicle information (i.e., "...*The thumbnails and descriptive text are stored*

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*in a database...*” The preceding text clearly indicates that files are being stored in a database)(col. 1 lines 48-51);(b) storing vehicle information in the database, said vehicle information comprising information pertaining to the function and operation of vehicle features of selected types of vehicles, said vehicle information sortably stored as a plurality of audio-format data files, each said audio-format data file comprising information pertaining to the function and operation of at least one vehicle feature(i.e., “...*The thumbnails and descriptive text are stored in a database...*” The preceding text clearly indicates that files are being stored in a database)(col. 1 lines 48-51); (c) sorting said audio-format data files and selecting such said audio-format data files as correspond to a selected vehicle (i.e., “...*However, the inventors have not found an application that provides these general purpose jukebox functions along with a means for users to categorize, sort, and filter specific discs in a jukebox or changer based on criteria such as author, publisher, user-defined category*”. The preceding text clearly indicates that sorting is being implemented to find a specific file in the database)(col. 2 lines 24-33); (d) storing said information of said selected audio-format data files in an audio-media storage device, said audio-media storage device adapted to store audio media tracks, said information of said selected audio-format data files stored as selectable audio media tracks, each said audio media track comprising information of at least one selected audio-format data file, said audio media storage device adapted for operation with an audio media player, said audio media player adapted to play said audio media tracks (i.e., “*Therefore, a disc can be mounted without regard to a physical slot location when play lists or collections request tracks or*

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*files stored on the disc CD... The records stored in CD information database 230 are maintained persistently even if the disc is removed from disc changer device 120 or the disc is moved to a different slot of disc changer device 120. This process is sometimes referred to as "offline media management"*". The preceding text clearly indicates that audio files are being stored on audio-media storage device which in this case is CD)(col. 8, lines 52-57) (e) providing said audio-media storage device to a user for playing with an audio media player (i.e., *"The user can thus select tracks to be played by built-in player 450 in single-disc mode"*). The preceding text clearly indicates that a media player is being used to play tracks on a disc)(col. 7, lines 43-45; fig. 4A-D).

Katz does not disclose vehicle information.

Draft discloses vehicle information (i.e., *"vehicle"*. refer to page 6,)

It would have been obvious to a person of ordinary skill in the art at the time of the applicant's invention to modify the teaching of Katz with the teaching of Draft to include vehicle information with the motivation to being able to retrieve a specific vehicle a customer wants (Draft Page 6).

With respect to claims 2, 16 and 26, Katz discloses a method said audio-media storage device adapted to store analog audio track, each said audio media track comprising an analog audio track (i.e., *"Other software applications exist that allow the user to build a database of their music CD collection. Each of these applications contains a database component to store the album title, artist, publisher, track list, and in some cases, music category, jacket cover, and artist and publisher's web*

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*sites* ". The preceding text clearly indicates that audio tracks are being stored on a storage device therefore, it could be either digital or analog)(col. 1, line 52-57).

With respect to claims 3, 17 and 27, Katz discloses a method said audio-media storage device adapted to store audio-format media files, each said audio media track comprising an to audio-format media file, each said audio-format media file comprising at least one selected audio-format data file (i.e., *"finally, the user accesses files and/or plays audio or video tracks stored on the loaded discs via built-in player 450"*). The preceding text clearly indicates that media file can be stored on disc and can later be access by a user)(col. 10, lines 55-57).

With respect to claims 4, 18 and 28, Katz does not disclose a method said vehicle features comprising features selected from the group including: component features, maintenance requirements features, and ownership information features

Draft discloses a method said vehicle features comprising features selected from the group including: component features, maintenance requirements features, and ownership information features (i.e., *"Vehicle"* refer to page 6 and 7)

It would have been obvious to a person of ordinary skill in the art at the time of the applicant's invention to modify the teaching of Katz with the teaching of Draft to include vehicle features comprising features selected from the group including: component features, maintenance requirements features, and

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ownership information features with the motivation to being able to give the customer more information about the vehicle they want (Draft, pages 6 and 7).

With respect to claims 5, 19 and 29, Katz does not disclose said component features further comprising features selected from the group including: keys and ignition; remote entry system; power windows; power locks; power mirrors; trunk release mechanism; fuel lid release mechanism; power seats; headlights; turn signals; windshield wiper controls; emergency flashers; odometer; trip meter; speedometer; tachometer; cruise control; emergency brake; radio; compact disk player; cassette player; air conditioning, heating and climate control systems; clock; multiple information display; warning lights; electro-chromic mirror; power outlets; external communication systems; cup holders; storage compartments; tires; seat belts; air bags; safety restraints; and sun shades.

Draft discloses said component features further comprising features selected from the group including: keys and ignition; remote entry system; power windows; power locks; power mirrors; trunk release mechanism; fuel lid release mechanism; power seats; headlights; turn signals; windshield wiper controls; emergency flashers; odometer; trip meter; speedometer; tachometer; cruise control; emergency brake; radio; compact disk player; cassette player; air conditioning, heating and climate control systems; clock; multiple information display; warning lights; electro-chromic mirror; power outlets; external



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communication systems; cup holders; storage compartments; tires; seat belts; air bags; safety restraints; and sun shades (i.e., "*Vehicle*" refer to page 6 and 7).

It would have been obvious to a person of ordinary skill in the art at the time of the applicant's invention to modify the teaching of Katz with the teaching of Draft to include component features further comprising features selected from the group including: keys and ignition; remote entry system; power windows; power locks; power mirrors; trunk release mechanism; fuel lid release mechanism; power seats; headlights; turn signals; windshield wiper controls etc with the motivation to being able to give the customer more information about the vehicle they want (Draft, pages 6 and 7).

With respect to claims 6, 20 and 30, Katz does not disclose a method said maintenance requirements features s further comprising features selected from the group including: break in period operations; tire operating pressures; lubrication and hydraulic fluids requirements; heavy use maintenance schedules; preventative maintenance schedules; warning lights; troubleshooting guide; wear component replacement schedules; paint and upholstery cleaning; and repair contact information.

Draft discloses a method said maintenance requirements features s further comprising features selected from the group including: break in period operations; tire operating pressures; lubrication and hydraulic fluids requirements; heavy use maintenance schedules; preventative maintenance schedules; warning lights; troubleshooting guide; wear component replacement



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schedules; paint and upholstery cleaning; and repair contact information (i.e., “*Vehicle*” refer to page 6-8)

It would have been obvious to a person of ordinary skill in the art at the time of the applicant’s invention to modify the teaching of Katz with the teaching of Draft to include maintenance requirements features further comprising features selected from the group including: break in period operations; tire operating pressures; etc with the motivation to being able to give the customer more information about the vehicle they want (Draft, pages 6-8)

With respect to claims 7, 21 and 31, Katz does not disclose a method said ownership information features further comprising features selected from the group including: warranty information, disclaimers, financing information, sales; sales discounts; sales rebates; leasing information; sales contact information; customer personal information.

Draft discloses a method said ownership information features further comprising features selected from the group including: warranty information, disclaimers, financing information, sales; sales discounts; sales rebates; leasing information; sales contact information; customer personal information (i.e., “*vehicle, Contact and Provider*” refer to pages 6-13).

It would have been obvious to a person of ordinary skill in the art at the time of the applicant’s invention to modify the teaching of Katz with the teaching of Draft to include ownership information features further comprising features selected from the group including: warranty information, disclaimers, financing

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information, sales; sales discounts etc with the motivation to being able to give the customer more information about the vehicle they want and the vendor (draft pages 6-13).

With respect to claim 8, Katz discloses a method said method further comprising the step of sorting said audio-format data files further comprising sorting said audio-format data files by said selected vehicle index information and selecting such said audio-format data files as corresponds to said selected vehicle further comprising

Katz does not disclose collecting selected vehicle index information as corresponds to said selected vehicle information

Draft discloses collecting selected vehicle index information as corresponds to said selected vehicle information (i.e., "*Vehicle*" refer to pages 6-13)

It would have been obvious to a person of ordinary skill in the art at the time of the applicant's invention to modify the teaching of Katz with the teaching of Draft to include ownership information features further comprising features selected from the group including: warranty information, disclaimers, financing information, sales; sales discounts etc with the motivation to being able to give the customer more information about the vehicle they want and the vendor (draft pages 6-13).

With respect to claim 9, Katz does not disclose a method wherein said vehicle index information comprising information selected from the group

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including: vehicle identification number; vehicle make; vehicle model; model year; model trim level; vehicle option package; vehicle options; financing program, sales programs, owner information.

Draft discloses vehicle information (i.e., “*vehicle*”. refer to pages 6-13,)

It would have been obvious to a person of ordinary skill in the art at the time of the applicant’s invention to modify the teaching of Katz with the teaching of Draft to include ownership information features further comprising features selected from the group including: warranty information, disclaimers, financing information, sales; sales discounts etc with the motivation to being able to give the customer more information about the vehicle they want and the vendor (draft pages 6-13)

With respect to claim 12, Katz discloses a method said audio-format media files comprising media files having a format selected from the group including: MPEG audio layer 3 format (MP3), Windows Media audio format (WMA), OGG format, VQF format, advanced standard audio coating format, WAV audio format (WAV), Digital Video Disc format (DVD), DVD audio format (DVDA), Compact Disc format (CD), Compact Disc Audio format (CDA), Super Audio CD format (SACD), VHS format, and a Real Audio format (i.e., “*when play list tab 446 is selected, the user can create streaming multimedia play lists that include both CDDA and digital file content such as: CDDA audio tracks, digital audio files (wav, au, rp, midi, etc.), videoCD tracks and digital video clips (avi, mpg, mov, etc.)*”). The

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preceding text clearly indicates various audio format are being used i.e., “WAV”)(col. 7 lines 57-61).

With respect to claim 25, Katz discloses storage device, said information storage device comprising: an audio-media storage device adapted to store audio media tracks, said audio media storage device further adapted for operation with an audio media player, said audio media player adapted to selectably play said audio media tracks, a plurality of audio media tracks comprising each audio media track comprising information pertaining to the function and operation of at least one vehicle feature, said plurality of audio media tracks stored on said audio-media storage device (refer to fig. 4, element 460).

Katz does not disclose storing vehicle information and vehicle information, said vehicle information comprising information pertaining to the function and operation of vehicle features of a vehicle,  
Draft discloses vehicle information (i.e., “*vehicle*”. refer to page 6,)

It would have been obvious to a person of ordinary skill in the art at the time of the applicant's invention to modify the teaching of Katz with the teaching of Draft to include ownership information features further comprising features selected from the group including: warranty information, disclaimers, financing information, sales; sales discounts etc with the motivation to being able to give the customer more information about the vehicle they want and the vendor (draft pages 6-13).

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With respect to claims 11, 24 and 34, Katz discloses a method said audio-format data files comprising data files having a format selected from the group including: MPEG audio layer 3 format (MP3), Windows Media audio format (WMA), OGG format, VQF format, advanced standard audio coating format, WAV audio format (WAV), Digital Video Disc format (DVD), DVD audio format (DVDA), Compact Disc format (CD), Compact Disc Audio format (CDA), Super Audio CD format (SACD), VHS format, and a Real Audio format (i.e., *"when play list tab 446 is selected, the user can create streaming multimedia play lists that include both CDDA and digital file content such as: CDDA audio tracks, digital audio files (wav, au, rp, midi, etc.), videoCD tracks and digital video clips (avi, mpg, mov, etc.)"*). The preceding text clearly indicates various audio format are being used i.e., "WAV"(col. 7 lines 57-61).

With respect to claims 13, 22 and 32, Katz discloses a method said audio-media storage device comprises a device selected from the group including: cassettes, compact discs, digital video discs; computers; Mp3 players; and memory card devices (i.e., *"Therefore, a disc can be mounted without regard to a physical slot location when play lists or collections request tracks or files stored on the disc CD... The records stored in CD information database 230 are maintained persistently even if the disc is removed from disc changer device 120 or the disc is moved to a different slot of disc changer device 120. This process is sometimes referred to as "offline media management"*). The preceding text clearly indicates that audio files are

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being stored on audio-media storage device, which in this case is CD)(col. 8, lines 52-57).

With respect to claims 14, 23 and 33, Katz discloses a method said audio-media player comprises a device selected from the group including: cassettes, compact discs, digital video discs; computers; Mp3 players; and memory card devices (i.e., *"The user can thus select tracks to be played by built-in player 450 in single-disc mode"*). The preceding text clearly indicates that a media player is being used to play tracks on a disc)(col. 7, lines 43-45; fig. 4A-D).

3. Claim 10, is rejected under 35 U.S.C. 103(a) as being unpatentable over Norman P. Katz et al. (U.S. Patent No. 6356971 and hereinafter referred to as Katz) in view of Draft Proposal (An industry standard Data format for the export and import of automotive customer leads, version 0.2, pages 1-12, January 26, 1999 and hereinafter referred to as draft) as applied to claims 1-9 and 11-34 above, and further in view of Robert Allen Rose (U.S. Patent No. 6119116 and hereinafter refer to as Rose).

With respect to claim 10, Katz does not discloses a method wherein reformatting each said selected audio-format data file so as to be compatible with said second format.

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Rose discloses a method wherein, said audio-format data files having a first audio -format and said audio-format media files having a second audio format, wherein, said first format being incompatible with said second format, said method further comprising the steps of: reformatting each said selected audio-format data file so as to be compatible with said second format (i.e., "*Step 326 represents the reformatting of the audio data read from the audio CD at step 322 into that format specified by operating system 20. The reformatted data is then returned to the operating system at step 328 and the logic terminates at 330. It should be noted that reformatting step 326 is straightforward since audio files are one-dimensional*"). The preceding text clearly indicates that audio files are been formatted to its specified format)(col. 4 lines 7-12).

It would have been obvious to a person of ordinary skill in the art at the time of the applicant's invention to modify the teaching of Katz with the teaching of Rose to include reformatting each said selected audio-format data file so as to be compatible with said second format with the motivation to being able to use audio data file on every system (Rose col. 4, lines 7-12).

### **Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph C. Opare-Abetia whose telephone number is (571) 272-6594. The examiner can normally be reached on mon-fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, JEFFREY A. GAFFIN can be reached on (571) 272-4146.



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The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Joseph Opare-Abetia

Patent Examiner

Art Unit 2165

March 24, 2006

JEREMY GARDIN  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100

